

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHEETAH OMNI, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA, INC., and
MITSUBISHI DIGITAL ELECTRONICS
AMERICA, INC.

Defendants.

CIVIL ACTION NO. 6:08-CV-279 (LED)

JURY TRIAL DEMANDED

JOINT MOTION FOR DISMISSAL WITH PREJUDICE
WITH RESPECT TO SAMSUNG

Pursuant to Fed. R. Civ. P. 41(a) and (c), Plaintiff Cheetah Omni, LLC (“Cheetah”) and Defendant Samsung Electronics America, Inc. (“Samsung”) hereby jointly move this Court to dismiss in their entirety and with prejudice Cheetah’s claims against Samsung, and Samsung’s counterclaims against Cheetah, with each party to bear its own costs, expenses, and attorney fees.

A proposed Order accompanies this Motion pursuant to Local Rule CV-7(a).

Dated: October 26, 2009

Respectfully submitted,

/s/ Thomas A. Lewry

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/s/ Richard L. Rainey w/ permission

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 26th day of October, 2009. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Thomas A. Lewry
Thomas A. Lewry